

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Jessica Fountain,)
)
Plaintiff)
)
v.)
)
First Data Merchant Services Corporation,)
)
Defendant)

Civil Action No. 1:14-cv-121-LM

**DEFENDANT'S INDEX OF EVIDENCE IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

Defendant First Data Merchant Services Corporation (“First Data” or “Defendant”), identifies the following evidentiary materials offered in support of its Motion for Summary Judgment:

Exhibit	Description
1	Excerpts of the Deposition of Jessica Fountain, taken September 15, 2015
2	2012 Regional Account Executive Sales Compensation Plan
3	Excerpts of the Deposition of Jared Kirkpatrick, taken September 17, 2015
4	January 18, 2012 Email from Jessica Fountain to Jared Kirkpatrick
5	May 16, 2012 Meeting Request from Jared Kirkpatrick to Jessica Fountain (“Verbal Warning”)
6	Declaration of Gayla Baker
7	January 29, 2013 Email from Jared Kirkpatrick to Gayla Baker with FMLA Data and Revised Quota Spreadsheet (“FMLA and Quota Summary Email”)
8	October 10, 2012 IAP (“IAP”)
9	October 10, 2012 Email from Jared Kirkpatrick to Gayla Baker, Igor Sterenko and Kathryn Cleary
10	January 29, 2013 Email from Jared Kirkpatrick to Gayla Baker (“January 29, 2013 Email”)
11	November 30, 2012 Email from Jessica Fountain to Jared Kirkpatrick Regarding Eagle Bank
12	January 9, 2013 Email from Jared Kirkpatrick to Kathryn Cleary, Igor Sterenko, and Gayla Baker (“January 9, 2013 Email”)
13	January 11, 2013 Email Chain Between Jared Kirkpatrick, Jessica Fountain and Gayla Baker (“January 11, 2013 Email”)

14	January 15, 2013 Email Exchange Between Gayla Baker and Jessica Fountain
15	Excerpts from the Deposition of Gayla Baker, taken September 28, 2015
16	Excerpts from the Deposition of Jennifer Voycheske, taken September 24, 2015
17	FMLA Leave Summary
18	Spreadsheet of Employees Given an IAP or Terminated by Jared Kirkpatrick
19	IAPs Issued by Jared Kirkpatrick with Similar Requirements to Plaintiff's IAP ("Jared Kirkpatrick IAPs")
20	January 9, 2013 Email from Jared Kirkpatrick to Gayla Baker regarding Jessica Fountain's Failure to Provide Daily Report

Respectfully submitted,

First Data Merchant Services Corporation
By Its Attorneys

Dated: October 14, 2015

/s/ K. Joshua Scott
K. Joshua Scott NHBA # 17479
Jackson Lewis P.C.
100 International Drive, Suite 363
Portsmouth, NH 03801
E-mail: joshua.scott@jacksonlewis.com
Telephone: 603.559.2700
Fax: 603.559.2701

Kenneth M. Wentz III, *pro hac vice*
Jackson Lewis P.C.
10050 Regency Circle, Suite 400
Omaha, NE 68114
E-mail: wentzk@jacksonlewis.com
Telephone: 402.391.1991
Fax: 402.391.7363

Certificate of Service

I hereby certify that the foregoing was served this 14th day of October, 2015, via ECF Filing on counsel for Plaintiff, Darlene Daniele, Salem Legal Services, LLC, 45 Stiles Road, Suite 212, Salem, NH 03079.

/s/ K. Joshua Scott